

DTE. 99-99

January 26, 2000

To: Massachusetts LNP and Wireless Carriers

On October 12, 1999, the Massachusetts Department of Telecommunications and Energy ("Department") issued an Order<sup>(1)</sup> based upon the authority to conserve telephone area codes granted to it by the Federal Communications Commission ("FCC")<sup>(2)</sup>. The Department's Order required all local number portability ("LNP") capable carriers in Massachusetts to participate in mandatory thousands-block number pooling trials (Order at 7). The Department proposed to conduct the first such trial in the Metropolitan Statistical Area ("MSA") encompassing the Greater Boston region (comprising the 617 and 781 areas in their entirety as well as significant portions of the 508 and 978 areas) (Order at 5).

As a first step to number pooling and in order to gain the greatest benefit from

conservation methods, the Department issues the following directives concerning pooling eligible blocks and fill-rate ratios.

- Pooling Eligible Blocks

The Department deems it necessary to maximize the number of pooling-eligible blocks available in the Eastern LATA pooling area.<sup>(3)</sup> Before establishing the pools and in order to preserve numbering resources, the Department orders all local exchange carriers and wireless carriers to place all thousands-blocks with a contamination rate<sup>(4)</sup> of 10% or less in a holding category and to make them inaccessible to sales, marketing, or customer service personnel, subject to use only in accordance with the "fill-rate ratio" requirements discussed below.

- Fill-Rate Ratios

In addition to the Department's authority to implement mandatory thousands-block number pooling in eastern Massachusetts and by all LNP capable carriers, the FCC granted the Department the authority to require network numbering exchange ("NXX") code applicants to demonstrate that they have met certain fill-rate ratios<sup>(5)</sup> before obtaining additional numbering resources even in a non-jeopardy<sup>(6)</sup> numbering plan area (FCC Order at 14). In establishing and applying fill-rate ratios, the Department may only consider a carrier's fill-rate in relation to growth codes, the Department must ascertain carrier compliance with the fill-rate requirement, and the Department may not release information relating to any carrier's fill-rate ratios other than to the NANPA, the FCC, or the FCC's Common Carrier Bureau (FCC Order at 16).

The Department affirms that fill-rate ratios are an important numbering-optimization strategy. The Department adopts a 75% fill-rate requirement for all carriers in order to obtain growth codes. This 75% fill-rate ratio will be implemented in the following manner. Carriers are required to assign numbers first from contaminated thousands-blocks. When a contaminated thousands-block reaches at least 75% utilization, a carrier shall assign numbers from another contaminated thousands block, and continue this assignment process until all contaminated thousands blocks have reached at least 75% utilization. Carriers may then begin assigning numbers from a minimally-contaminated (i.e., 10% or less contamination) thousands-block until that block reaches at least 75% utilization. At that time, a carrier shall assign numbers from another minimally-contaminated thousands block, and continue this assignment process until all minimally-contaminated thousands-blocks have reached at least 75% utilization. Only upon the completion of this assignment process may carriers begin assigning numbers from uncontaminated thousands-blocks, one block at a time, in accordance with this 75% fill-rate requirement.

Only upon reaching an overall utilization rate of 75% for the NXX a carrier may request from NANPA an additional NXX for that rate center. Any such request will be valid only if the requesting carrier's months-to-exhaust worksheet demonstrates that the code will exhaust in less than six months.<sup>(7)</sup> The carrier should submit a copy of its code application, months-to-exhaust worksheet, and number-utilization data for that specific rate center to the Department (in the format previously requested by the Department in the D.T.E.'s Second Set of Information Requests, D.T.E. 2-1) when the code application is filed with NANPA. The Department intends to oversee the use of already assigned codes and verify that the fill-rate ratios defined in this order are being complied with by the carriers. Therefore, no NXX codes shall be distributed by NeuStar for the eastern

LATA until the Department has verified the contamination data provided by the carriers seeking new codes.

In accordance with Paragraph 32 of the FCC Order, the Department adopts a waiver provision for a carrier asserting that it would not be able to meet both the 75% fill-rate ratio and six months to exhaust requirement and acquire sufficient new resources to meet projected demand. In this instance, a carrier may request a waiver of the fill-rate ratio and/or months-to-exhaust requirement. Any such request must include back-up information and data supporting the reasons the carrier may give for its claim that demand will exceed its numbering resources. All such data submitted by the carrier will be treated by the Department in accordance with the terms of G.L. c. 25, § 5D upon satisfactory motion by the filing carrier.

Sincerely,

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James Connelly, Commissioner

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W. Robert Keating, Commissioner

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Paul B. Vasington, Commissioner

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Eugene J. Sullivan, Jr., Commissioner

1. Proceeding by the Department of Telecommunications and Energy to conduct mandatory thousands-block number pooling trials pursuant to the authority delegated by the Federal Communications Commission In the Matter of Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes, CC Docket No. 96-98, FCC 99-246, NSD File No. L-99-19 (September 15, 1999); D.T.E. 99-99 ("Order").

2. In the Matter of Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes, CC Docket No. 96-98, FCC

99-246, NSD File No. L-99-19 (September 15, 1999) ("FCC Order").

3. The pooling area encompasses all of the Eastern LATA of Massachusetts, despite the fact that pooling will not be implemented outside of the Greater Boston MSA until later.

4. A contaminated block is an NXX code with as few as one number assigned. Under the Industry Numbering Committee's ("INC") guidelines, the Department may reclaim any thousands-blocks with 10% or less contamination (ie., less than 100 numbers assigned in a block of 1000 NXX numbers) for the purposes of number pooling.

5. A fill-rate ratio is a standard-setting measure for the allocation of NXX codes based on the equation of how many numbers within a particular NXX code are in use versus how many are vacant and available for use. Fill-rate ratios slow the need for new codes by a carrier until that carrier has met the statistically adequate contamination within the currently held NXX codes.

6. "Jeopardy" is a term of art in the telecommunications area. The North American Numbering Plan Administrator ("NANPA") declares "jeopardy" when it projects that exchange codes will be used up or exhausted within two years, thus triggering the need for area code relief plans.

7. Industry guidelines detail the existing rationing procedures and currently state that any carriers seeking new codes must show that their months-to-exhaust worksheet demonstrates that the code they currently hold will exhaust in less than six months. Under the proposal discussed by Industry during their January 7, 2000 meeting with NeuStar, however, the Industry is considering changing to a four or five months-to-exhaust formula. Such a change, if adopted by the Industry on January 28, 2000, would supercede current rationing procedures.